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Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox, on the human rights obligations relating to climate change. In this report, he describes the increasing attention paid to the relationship between climate change and human rights in recent years, reviews the effects of climate change on the full enjoyment of human rights and outlines the application of human rights obligations to climate-related actions. He explains that States have procedural and substantive obligations relating to climate change, as well as duties to protect the rights of the most vulnerable.

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Contents

		Page
I.	Introduction	3
II.	Increasing attention to the relationship between climate change and human rights	3
III.	Effects of climate change on the enjoyment of human rights	7
IV.	Human rights obligations relating to climate change	9
	A. General considerations	9
	B. Procedural obligations	13
	C. Substantive obligations	16
	D. Obligations in relation to vulnerable groups	19
V.	Conclusions and recommendations	20

I. Introduction

1. In its resolution 19/10, the Human Rights Council recognized that the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment required clarification. The Council requested the then-Independent Expert, in consultation with Governments and other stakeholders, to study the obligations and to identify best practices in their use.

2. In response, the Independent Expert prepared two reports for the Human Rights Council, one mapping the statements of human rights bodies on the human rights obligations relating to the environment (A/HRC/25/53) and one describing more than 100 good practices in the use of the obligations (A/HRC/28/61). In the mapping report, the Independent Expert concluded that the human rights obligations relating to the environment were coherent and clear enough that States should take them into account. However, he noted that these obligations continued to be developed in many forums, and he identified areas where further clarification was necessary.

3. In its resolution 28/11, the Human Rights Council renewed the mandate and changed the title of the mandate holder to Special Rapporteur. The Council requested that he increase his attention to implementation of the human rights obligations relating to the environment. Specifically, the Council asked him to promote and report on the realization of the obligations, with particular emphasis on practical solutions. The initial response of the Special Rapporteur to this request is in another report (A/HRC/31/53).

4. At the same time that it expanded the mandate, the Council recognized the ongoing need to clarify some aspects of the human rights obligations relating to the environment. In its resolution 28/11, it asked the Special Rapporteur to continue to study those obligations, in consultation with Governments, human rights mechanisms, civil society organizations and others.

5. The present report examines the human rights obligations relating to climate change. Future reports will address the obligations relating to other thematic areas, including the protection of ecosystems and biological diversity. This report draws on the previous work of the then-Independent Expert in studying human rights obligations relating to the environment, including an expert meeting on climate change and human rights on 15 and 16 July 2014 and a public meeting on the same topic in Geneva on the following day. For the report, he also examined statements and reports by international organizations, human rights mechanisms, scholars and other sources, and attended meetings of the parties to the United Nations Framework Convention on Climate Change

6. Section II of the report reviews the actions taken in recent years by the Human Rights Council, the special procedure mandate holders and the parties to the United Nations Framework Convention on Climate Change concerning the relationship between climate change and human rights. Section III describes the effects of climate change on the enjoyment of human rights. Section IV examines the application of human rights obligations to climate change.

II. Increasing attention to the relationship between climate change and human rights

7. In the past eight years, the relationship between climate change and human rights has received increasing attention from the Human Rights Council, mandate holders, Governments and international bodies, including the Conference of the Parties to the United Nations Framework Convention on Climate Change. An important milestone was the Male'

Declaration on the Human Dimension of Global Climate Change, adopted by representatives of small island developing States in November 2007. The Male' Declaration was the first intergovernmental statement explicitly recognizing that climate change has "clear and immediate implications for the full enjoyment of human rights", including the rights to life, to an adequate standard of living and to the highest attainable standard of health. The Declaration requested the Human Rights Council to convene a debate on human rights and climate change, the Office of the United Nations High Commissioner for Human Rights (OHCHR) to study the effects of climate change on the full enjoyment of human rights, and the Conference of the Parties to seek the cooperation of OHCHR and the Council in assessing the human rights implications of climate change.

8. In March 2008, the Human Rights Council adopted its first resolution on climate change and human rights. In its resolution 7/23, the Council expressed its concern that climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights. The resolution requested OHCHR to conduct a detailed analytical study of the relationship.

9. After receiving input from Governments, civil society organizations and others, OHCHR published a report describing how climate change threatens the enjoyment of a wide range of human rights, including the rights to life, health, food, water, adequate housing and self-determination (A/HRC/10/61). The report did not conclude that climate change necessarily violates human rights law, but it stressed that States nevertheless have obligations to take steps to protect human rights from the harmful effects of climate change.

10. In March 2009, in its resolution 10/4, the Council again noted that climate change-related impacts have a range of implications for the effective enjoyment of human rights, and stated that the effects will be felt most acutely by those who are already in vulnerable situations. The Council also affirmed that "human rights obligations and commitments have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes".

11. In December 2009, at the beginning of the fifteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Copenhagen, 20 mandate holders issued a joint statement emphasizing that climate change poses serious threats to the full enjoyment of a broad range of human rights, warning that a weak outcome of the negotiations would threaten to infringe upon those rights and stating that mitigation and adaptation measures should be developed in accordance with human rights norms, including with the participation of affected communities.[1]

12. At its sixteenth session, in Cancun in December 2010, the Conference of the Parties adopted a decision quoting the statements in Human Rights Council resolution 10/4 that the adverse effects of climate change have a range of implications for the effective enjoyment of human rights and that the effects will be felt most acutely by those segments of the population that are already vulnerable. The decision stated that "Parties should, in all climate change related actions, fully respect human rights" (decision 1/CP.16, para. 8, FCCC/CP/2010/7/Add.1).

13. Since then, the Human Rights Council has adopted three more resolutions on climate change.[2] In addition to reiterating concerns about the effects of climate change on human rights, particularly those of the most vulnerable, the resolutions have stated that climate change has contributed to the increase of sudden-onset natural disasters and slow-

[1] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9667&LangID=E.

[2] Resolutions 18/22, 26/27 and 29/15.

onset events, both of which have adverse effects on the full enjoyment of all human rights. The Council has also held a seminar and several panel discussions on climate change. In the panel discussion at its twenty-eighth session, the President of Kiribati, Anote Tong, and the Prime Minister of Tuvalu, Enele Sosene Sopoaga, among others, described how climate change threatens their countries and called on States to respond effectively and swiftly. The Council has also discussed the effects of climate change on particular countries during its universal periodic review.[3]

14. The Human Rights Council has encouraged mandate holders to consider the issue of climate change and human rights within their respective mandates.[4] They have published a number of reports on different aspects of the relationship, including by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/64/255), the Special Rapporteur on the rights of internally displaced persons (A/66/285), the Special Rapporteur on the human rights of migrants (A/67/299) and, most recently, the Special Rapporteur on the right to food (A/70/287). In June 2014, the then-Independent Expert on human rights and the environment issued an informal report summarizing the statements of the mandate holders, the human rights treaty bodies and others on climate change.[5]

15. In 2014 and 2015, mandate holders took several joint actions to emphasize the importance of a human rights perspective on climate action.[6] In an open letter in October 2014, 27 mandate holders called on the parties to the United Nations Framework Convention on Climate Change to recognize the adverse effects of climate change on the enjoyment of human rights and to adopt urgent and ambitious mitigation and adaptation measures to prevent further harm. They proposed that the climate agreement then under negotiation include language stating that the parties "shall, in all climate change related actions, respect, protect, promote, and fulfil human rights for all". On 10 December 2014, Human Rights Day, which fell during the twentieth session of the Conference of the Parties, held in Lima, all 73 of the mandate holders issued a statement urging States to adopt the proposed language and underscoring that "human rights must be pivotal in the ongoing negotiations and the new agreement must be firmly anchored in the human rights framework". The then-Independent Expert and several other mandate holders delivered this message in person at the session.

16. In April 2015, at the request of the Climate Vulnerable Forum (a group of the States most vulnerable to climate change), the Special Rapporteur on the rights of persons with disabilities, the Special Rapporteur on human rights and the environment, the Special Rapporteur on extreme poverty and human rights, the Special Rapporteur on the human right to safe drinking water and sanitation, and the Independent Expert on human rights and international solidarity issued a report on the adverse effects on the enjoyment of human rights of even a 2°C increase in the average global temperature. On World Environment Day, 5 June 2015, 27 mandate holders described these effects and again urged States to ensure that human rights are at the core of climate change governance.

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[3] See, for example, A/HRC/29/2, paras. 392-400 (discussing Kiribati).

[4] See resolutions 10/4, para. 3; 26/27, para. 8; and 29/15, para. 7.

[5] "Mapping human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: focus report on human rights and climate change" (June 2014). Available from www.ohchr.org/Documents/Issues/Environment/MappingReport/ClimateChangemapping15-August.docx.

[6] The statements and reports are available from www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/ClimateChange.aspx.

17. The attention to climate change and human rights reached a crescendo at the twenty-first session of the Conference of the Parties, which met in Paris in December 2015. The United Nations High Commissioner for Human Rights made a powerful statement that urgent, effective and ambitious action to combat climate change is not only a moral imperative, but also necessary in order to satisfy the duties of States under human rights law.[7] The Special Rapporteur on human rights and the environment also reminded States that their human rights obligations encompass climate change and urged them to adopt a rights perspective in negotiating the new agreement.[8] He and other mandate holders, including the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on the right to food and the Independent Expert on human rights and international solidarity, presented these messages in Paris in person, as did a delegation from OHCHR.

18. In connection with the Paris conference, other international organizations published reports on climate change and human rights. For example, the United Nations Environment Programme (UNEP) published a thorough examination of the application of human rights norms to climate change, and the United Nations Children's Fund (UNICEF) issued a detailed study of the effects of climate change on children.[9]

19. Throughout 2015, Governments also increased their attention to the relationship between climate change and human rights. In February 2015, OHCHR and the Mary Robinson Foundation on Climate Justice co-hosted a Climate Justice Dialogue in Geneva, which brought together delegates to the climate negotiations and the Human Rights Council. One outcome of the meeting was the Geneva Pledge for Human Rights in Climate Action, a voluntary undertaking initiated by Costa Rica through which States promise to facilitate the sharing of knowledge and best practices between climate and human rights experts at the national level. Before the Paris conference, 30 countries took the pledge. Governments also examined particular issues relevant to human rights, such as climate-induced migration. In October 2015, the Nansen Initiative, spearheaded by Norway and Switzerland, held a global consultation with delegates from more than 100 countries to complete a multi-year process of building consensus on the protection of persons displaced across borders in the context of disasters and climate change.

20. The most important sign of the increasing attention to the relationship between climate change and human rights is the new agreement adopted by the Conference of the Parties in Paris on 12 December 2015.[10] The Paris Agreement is the first climate agreement, and one of the first environmental agreements of any kind, to explicitly recognize the relevance of human rights. After acknowledging that climate change is a common concern of humankind, the preamble to the Agreement states:

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[7] Available from www.ohchr.org/EN/NewsEvents/Pages/BurningDowntheHouse.aspx. OHCHR also issued an information paper entitled "Understanding human rights and climate change", available from www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf.

[8] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16836&LangID=E.

[9] UNEP, *Climate Change and Human Rights* (December 2015). Available from www.unep.org/NewsCentre/default.aspx?DocumentID=26856&ArticleID=35630. UNICEF, *Unless We Act Now: the Impact of Climate Change on Children* (November 2015). Available from www.unicef.org/publications/index_86337.html.

[10] Pursuant to its article 21, the Paris Agreement will enter into force on the thirtieth day after the date on which at least 55 parties to the United Nations Framework Convention on Climate Change, accounting for at least 55 per cent of global greenhouse gas emissions, deposit their instruments of ratification.

Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.

21. The influence of a human rights perspective can also be seen elsewhere in the Agreement. Most important, the growing recognition of the disastrous effects of climate change on human rights helped to support the decision of the parties to state, in article 2, that the Agreement "aims to strengthen the global response to the threat of climate change ... including by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change".

22. In an important sense, the Paris Agreement signifies the recognition by the international community that climate change poses unacceptable threats to the full enjoyment of human rights and that actions to address climate change must comply with human rights obligations. This is a real achievement and, in this respect as in many others, the Paris Agreement is worth celebrating. In another sense, however, Paris is only the beginning. Now comes the difficult work of implementing and strengthening the commitments made there. In that effort, human rights norms will continue to be of fundamental importance.

III. Effects of climate change on the enjoyment of human rights

23. Mary Robinson, who previously served as the President of Ireland and the United Nations High Commissioner for Human Rights and who is now the Special Envoy of the Secretary-General on Climate Change, has called climate change the greatest threat to human rights in the twenty-first century. The effects of climate change on human rights have been described in detail many times.[11] In short, climate change threatens the full enjoyment of a wide range of rights, including the rights to life, health, water, food, housing, development and self-determination. The following brief description is by no means exhaustive.

24. As average global temperatures rise, deaths, injuries and displacement of persons from climate-related disasters such as tropical cyclones increase, as do mortality and illness from heat waves, drought, disease and malnutrition. In general, the greater the increase in average temperature, the greater the effects on the rights to life and health as well as other human rights. The foreseeable consequences of even a 2°C rise in average global temperature are dramatic. According to the Intergovernmental Panel on Climate Change, they include an increasing probability of "declining work productivity, morbidity (e.g., dehydration, heat stroke, and heat exhaustion), and mortality from exposure to heat waves.

[11] This summary draws in particular on the report of the Intergovernmental Panel on Climate Change Working Group II entitled *Climate Change 2014: Impacts, Adaptation, and Vulnerability* (available from https://www.ipcc-wg2.gov/AR5/), as well as several of the statements and reports cited above: the OHCHR reports published in 2009 and 2015; the 2014 report of the then-Independent Expert summarizing statements of mandate holders and others; the report prepared for the Climate Vulnerable Forum in April 2015; the statement by 27 mandate holders on World Environment Day 2015; and the UNEP report published in 2015.

Particularly at risk are agricultural and construction workers as well as children, homeless people, the elderly, and women who have to walk long hours to collect water".[12]

25. Climate change will compound the problem of access to safe drinking water, currently denied to about 1.1 billion people. It has been estimated that about 8 per cent of the global population will see a severe reduction in water resources with a 1°C rise in the global mean temperature, rising to 14 per cent at 2°C.[13] More generally, as a result of reduced rainfall and snowpack, increased evaporation, and contaminated freshwater resources due to rising sea levels, climate change is projected to reduce the availability of water in most dry subtropical regions and to increase the frequency of droughts in many already-dry areas.[14]

26. With respect to the right to food, climate change is already impairing the ability of some communities to feed themselves, and the number affected will grow as temperatures rise. The Intergovernmental Panel on Climate Change states that "all aspects of food security are potentially affected by climate change, including food access, utilization, and price stability".[15] It is very likely that climate change will adversely impact the production of major crops, such as wheat, rice and maize, in both tropical and temperate regions.[16]

27. As the Human Rights Council has recognized, the worst effects of climate change are felt by those who are already vulnerable because of factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability.[17] In the words of the Intergovernmental Panel on Climate Change, "People who are socially, economically, culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses".[18] The Panel states that "future impacts of climate change, extending from the near term to the long term, mostly expecting 2°C scenarios, will slow down economic growth and poverty reduction, further erode food security, and trigger new poverty traps, the latter particularly in urban areas and emerging hotspots of hunger".[19]

28. Climate change will contribute to forced migration, but the ability to migrate often depends on mobility and resources. As a result, those who are most vulnerable may be unable to migrate, instead remaining in locations that are subject to the harms caused by climate change. Those who do migrate may be particularly vulnerable to human rights abuses, since they may often be doing so in an irregular process (see A/67/299, para. 36).

29. Climate change threatens the very existence of some small island States. Global warming expands ocean waters and melts land-based ice, causing sea levels to rise. Long before islands are inundated, climate change may make them uninhabitable by increasing the frequency and severity of storm surges or by causing sea water to invade their freshwater resources. If the residents of small island States are forced to evacuate and find other homes, the effects on their human rights, including their rights to self-determination and to development, will be devastating.

30. Climate change also threatens to devastate the other forms of life that share this planet with us. As the world warms, increasingly disastrous consequences will ensue. One

[12] Intergovernmental Panel on Climate Change report, p. 811.
[13] Ibid., p. 250.
[14] UNEP report, p. 3.
[15] Intergovernmental Panel on Climate Change report, p. 488.
[16] UNEP report, p. 5 (citing the Intergovernmental Panel on Climate Change report, p. 488).
[17] Resolution 29/15.
[18] Intergovernmental Panel on Climate Change report, p. 6.
[19] Ibid., p. 796.

study has found that if global temperatures increase by more than 2 to 3°C, 20 to 30 per cent of the assessed plant and animal species are likely to be at a high risk of extinction.[20] The decimation of other species will harm the human species too. With respect to the right to health, for example, the Intergovernmental Panel on Climate Change states that the loss of biological diversity "can lead to an increase in the transmission of infectious diseases such as Lyme, schistosomiasis, and hantavirus in humans".[21]

31. The adoption of the Paris Agreement in December 2015 gives reason to believe that the international community has opened a new chapter in its fight against climate change. But other events continue to remind us that we are running out of time to avoid its worst effects. During the same month that the world celebrated the conclusion of the new climate agreement, every region experienced the characteristics of a warming planet, amplified in many cases by the El Niño effect.

32. In what has become a tragic annual event, a deadly typhoon struck the Philippines. Record floods inundated Chennai in India, as well as towns across the United Kingdom of Great Britain and Northern Ireland and along the Mississippi River in the United States of America. Parts of Argentina, Brazil, Paraguay and Uruguay experienced their worst flooding in 50 years, forcing the evacuation of tens of thousands of people. Other areas suffered from too little water. UNICEF warned that 11 million children in eastern and southern Africa were at risk of hunger, disease and lack of water because of drought conditions. Lake Poopó, the second-largest lake in the Plurinational State of Bolivia, was reported to have dried up as a result of changing weather patterns. As 2016 began, scientists reported that 2015 was the hottest year in modern history, about 1°C warmer than the pre-industrial average.

IV. Human rights obligations relating to climate change

A. General considerations

33. As the Special Rapporteur has previously explained, States have obligations to protect the enjoyment of human rights from environmental harm (A/HRC/25/53). These obligations encompass climate change. The foreseeable adverse effects of climate change on the enjoyment of human rights give rise to duties of States to take actions to protect against those effects. Human rights obligations apply not only to decisions about how much climate protection to pursue, but also to the mitigation and adaptation measures through which the protection is achieved.

34. In some respects, the application of these obligations is relatively straightforward. However, the scale of climate change introduces complicating factors. Unlike most environmental harms to human rights that have been considered by human rights bodies, climate change is truly a global challenge. Greenhouse gases emitted anywhere contribute to global warming everywhere. Billions of people contribute to climate change and will experience its effects, and the causal chains linking individual contributions with specific effects may be impossible to discern with certainty.

35. These complications led OHCHR to warn in 2009 that "while climate change has obvious implications for the enjoyment of human rights, it is less obvious whether, and to what extent, such effects can be qualified as human rights violations in a strict legal sense". Specifically, OHCHR stated that it would be "virtually impossible to disentangle the

[20] Ibid., p. 1,053.
[21] Ibid., p. 1,054.

complex causal relationships" linking emissions from a particular country to a specific effect, and noted that "global warming is often one of several contributing factors to climate change-related effects such as hurricanes". In addition, it stated that the "adverse effects of global warming are often projections about future impacts, whereas human rights violations are normally established after the harm has occurred" (see A/HRC/10/61, para. 70).

36. These conclusions can be challenged.[22] As scientific knowledge improves and the effects of climate change become larger and more immediate, tracing causal connections between particular contributions and resulting harms becomes less difficult.[23] But whether or not climate change legally violates human rights norms is not the dispositive question. As OHCHR emphasized, even in the absence of such a finding, "human rights obligations provide important protection to the individuals whose rights are affected by climate change" (see A/HRC/10/61, para. 71).

37. Specifically, States have obligations to protect against the infringement of human rights by climate change. This conclusion follows from the nature of their obligations to protect against environmental harm generally. Human rights bodies have made clear that States should protect against foreseeable environmental impairment of human rights whether or not the environmental harm itself violates human rights law, and even whether or not the States directly cause the harm. An illustrative example is a case of the European Court of Human Rights arising from mudslides in the Caucasus that killed several inhabitants of the town of Tyrnauz.[24] The Government did not cause the mudslide, but the Court held that it still had a responsibility to take appropriate steps to safeguard the lives of those within its jurisdiction.

38. Above all, the Court stated, Governments must adopt legal frameworks designed to effectively deter threats to the right to life from natural disasters as well as dangerous human activities. While each State has discretion to choose particular preventive measures and "an impossible or disproportionate burden must not be imposed on the authorities", the discretion of the State is not unlimited. In reviewing whether a State has met its obligations, the Court indicated that relevant factors include the foreseeability of the threat, whether the State undertook appropriate investigations and studies, and whether it followed its own law. The authorities must respect the right to information, including by providing for a system of advance warnings. Finally, the Court stated that where lives have been lost in circumstances that may engage the responsibility of the State, the State must provide an adequate response to the disaster, to ensure that the legal framework designed to protect the right to life is properly implemented.[25]

39. The reasoning of the European Court in this respect is typical of the approach taken by other regional tribunals and human rights mechanisms. The duty to protect against harmful interference with the enjoyment of human rights is accepted as a pillar of human rights law, and many human rights bodies have applied that duty to such interference occurring as a result of environmental degradation (see A/HRC/25/53, paras. 47-61).

40. Apart from questions of causation and responsibility, the nature of climate change also requires us to consider how human rights norms apply to a global environmental threat. Most human rights bodies that have examined the application of human rights norms to

[22] For an analysis of the OHCHR report, see John H. Knox, "Linking human rights and climate change at the United Nations", *Harvard Environmental Law Review*, Vol. 33, No. 2 (2009).

[23] UNEP report, p. 13, footnote 70.

[24] European Court of Human Rights, *Budayeva and others v. Russia*, application. No. 15339/02 (2008). Available from www.echr.coe.int.

[25] Ibid., para. 138.

environmental issues have examined harm whose causes and effects are felt within one country. Climate change obviously does not fit within this pattern.

41. A possible response is to treat climate change as a matter of extraterritoriality — that is, to conclude that it implicates the obligation of each State to protect the human rights of those outside, as well as those within, its own jurisdiction. The Special Rapporteur is aware that the question of extraterritorial human rights obligations has been controversial in other contexts. However, he believes that attempting to describe the extraterritorial human rights obligations of every State in relation to climate change would be of limited usefulness even apart from its potential for controversy. In the human rights context, climate change is probably not best understood as a set of simultaneously occurring transboundary harms that should be addressed by each State trying to take into account its individual contribution to the effects of climate change in every other State in the world. The practical obstacles to such an undertaking are daunting, and it is instructive that the international community has not attempted to address climate change in this way.

42. Instead, from the creation of the Intergovernmental Panel on Climate Change in 1988, through the adoption of the United Nations Framework Convention on Climate Change in 1992, to the negotiation of the Paris Agreement in 2015, States have consistently treated climate change as a global problem that requires a global response. This approach not only makes the most practical sense. It is also in accord with, and can be seen as an application of, the duty of international cooperation.

43. The duty of international cooperation has support in the general practice of States and, more specifically, in the Charter of the United Nations. Article 55 of the Charter requires the United Nations to promote "universal respect for, and observance of, human rights and fundamental freedoms for all," and in Article 56, "all Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55". Similarly, article 2 (1) of the International Covenant on Economic, Social and Cultural Rights requires each of its parties to take steps not only individually, but also "through international assistance and cooperation", towards the progressive realization of the rights recognized in the Covenant.

44. With respect to many threats to human rights, international cooperation needs to play only a supporting role. Environmental harms whose causes and effects are within the jurisdiction of one State can and should be addressed primarily by that State. However, some challenges require international cooperation. Outside the environmental context, the International Court of Justice has recognized "the universal character both of the condemnation of genocide and of the co-operation required 'in order to liberate mankind from such an odious scourge'."[26] Climate change is a paradigmatic example of a global threat that is impossible to address effectively without coordinated international action. As States have acknowledged in the text of the United Nations Framework Convention on Climate Change itself, as well as in Human Rights Council resolutions 26/27 and 29/15, "the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response".[27]

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[26] International Court of Justice, advisory opinion of 28 May 1951 on the reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, p. 23 (quoting the preamble to the Convention on the Prevention and Punishment of the Crime of Genocide).

[27] The obligation of States to work together to address climate change is also supported by the principle of international law that States must carry out their international obligations in good faith, so as not to undermine the ability of other States to meet their own obligations. See the judgment of the International Court of Justice on the case concerning the Gabčíkovo-Nagymaros project (Hungary/Slovakia), 1997, para. 142; and Mark E. Villiger, *Commentary on the 1969 Vienna*

45. The duty of international cooperation provides a framework for considering the application at the international level of the human rights norms described above. The obligations to protect human rights against environmental harm, which have been clarified by human rights bodies principally in the context of internal environmental harm, can also inform the content of the duty of international cooperation when that duty pertains to a global environmental challenge such as climate change. Therefore, in addition to employing a human rights perspective to examine how individual States should address climate change at the national level, based on the obligation of each State to protect against the effects of climate change within its own jurisdiction, it is also appropriate to examine how States should address climate change in cooperation with one another.

46. To be clear, the duty of international cooperation does not require each State to take exactly the same actions in response to climate change. The language in the United Nations Framework Convention on Climate Change calling for States to cooperate with one another immediately adds: "in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions".[28] All States have a duty to work together to address climate change, but the particular responsibilities necessary and appropriate for each State will depend in part on its situation.

47. A human rights perspective helps to clarify this point. A foundational principle of human rights law is that all human beings, wherever they happen to live, are entitled to the same rights. But the content of some of the human rights obligations of States varies according to the situation of the State in question. Not all obligations vary in this way: article 2 (1) of the International Covenant on Civil and Political Rights, for example, simply requires each of its parties "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant". To take an extreme example, no State may use its political or economic situation to justify torture or slavery. As is well understood, however, economic, social and cultural rights cannot always be fulfilled immediately. Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights reflects this understanding.[29]

48. This distinction is relevant to all of the human rights obligations of States in relation to climate change, including the duty of international cooperation. As in human rights law generally, some of these obligations are of immediate effect and require essentially the same conduct of every State. For example, every State must respect the rights of free expression and association in the development and implementation of climate-related actions. At the same time, the implementation of other responsibilities — e.g., efforts to

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Convention on the Law of Treaties (2009), p. 367. The failure of States to effectively address climate change through international cooperation would prevent individual States from meeting their duties under human rights law to protect and fulfil the human rights of those within their own jurisdiction.

[28] This language is also included in resolutions 26/27 and 29/15.

[29] It would be an oversimplification to suggest that all duties relating to economic, social and cultural rights are subject to progressive realization based on the situation of States, and that all duties relating to civil and political rights require exactly the same conduct of States. As the Committee on Economic, Social and Cultural Rights has made clear, some obligations under that Covenant, including the duty of non-discrimination, are of immediate effect (see the Committee's general comment No. 3 (1990) on the nature of States parties' obligations, para. 1). And while all parties to the International Covenant on Civil and Political Rights are required to respect civil and political rights by taking (or refraining from taking) essentially the same actions, the Human Rights Committee has stated that, under some circumstances at least, States are also required to exercise due diligence to prevent and redress the impairment of rights by private persons or entities (see the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 8). What diligence is due in a particular instance could be affected by a number of factors that might vary from situation to situation.

reduce emissions of greenhouse gases — can be expected to vary based on differing capabilities and conditions. Even in such cases, however, each State should do what it can. More precisely, consistent with article 2 (1) of the International Covenant on Economic, Social and Cultural Rights, each State should take actions "to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means".

49. Based on these general considerations, the following sections outline the human rights obligations relating to climate change. These obligations continue to be studied and clarified, and this report should not be taken as the final word on their content. In particular, it does not substitute for the more detailed analysis of particular human rights by mandate holders, treaty bodies, regional human rights bodies or others. Rather, the goal is to describe a framework for further elaboration.

B. Procedural obligations

50. As the mapping report explains, human rights bodies agree that to protect against environmental harm that impairs the enjoyment of human rights, States have several procedural obligations, including duties: (a) to assess environmental impacts and make environmental information public; (b) to facilitate public participation in environmental decision-making, including by protecting the rights of expression and association; and (c) to provide access to remedies for harm. These obligations have bases in civil and political rights, but they have been clarified and extended in the environmental context on the basis of the entire range of human rights at risk from environmental harm (see A/HRC/25/53, paras. 29-43). They are also supported by provisions in international environmental instruments, including principle 10 of the 1992 Rio Declaration on Environment and Development.

1. Assessing and providing information

51. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights provide that the right to freedom of expression includes the freedom to seek, receive and impart information. The right to information is also critical to the exercise of other rights, and human rights bodies have stated that to protect human rights from infringement through environmental harm, States should provide access to environmental information and provide for the assessment of environmental impacts that may interfere with the enjoyment of human rights.

52. At the international level, States have adopted an exemplary practice in the assessment and provision of information about climate change. Through the Intergovernmental Panel on Climate Change, States have provided for expert assessments of the scientific aspects of climate change, the vulnerability of socioeconomic and natural systems, and options for mitigation of and adaptation to climate change. By regularly publishing detailed reports summarizing the state of scientific and technical knowledge, the Panel has given Governments and people around the world information about the effects of climate change and the consequences of various approaches to addressing it.

53. States have also recognized the importance of undertaking assessments and providing information about climate change at the national level. Article 6 (a) of the United Nations Framework Convention on Climate Change requires its parties to promote and facilitate educational and public awareness programmes, as well as public access to information, and article 12 of the Paris Agreement calls on its parties to cooperate in taking

measures to enhance such measures. UNEP describes the efforts by many States to assess the impacts of climate change and to make this information publicly available.[30] States that have not yet adopted such policies should do so, with international assistance if necessary.

54. In particular, the Special Rapporteur agrees with the suggestion of UNEP that wherever possible States should assess the climate effects of major activities within their jurisdiction, "such as programmatic decisions about fossil fuel development, large fossil fuel-fired power plants, and fuel economy standards".[31] Such assessments should include the transboundary effects of the activities. But even with respect to the effects of climate change that are felt within a State, assessments are an important method of clarifying impacts, especially on vulnerable communities, and thereby providing a basis for adaptation planning, as article 7 (9) of the Paris Agreement recognizes.

55. Assessments and public information are also important with respect to actions designed to alleviate the effects of climate change. As noted above, the obligations of States to respect and protect human rights apply with no less force when they are taking mitigation or adaptation measures. Article 4 (1) (f) of the United Nations Framework Convention on Climate Change encourages its parties to employ impact assessments of such measures with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment.

2. Facilitating public participation

56. The obligation to facilitate public participation in environmental decision-making has strong roots in human rights law. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights recognize the baseline rights of everyone to take part in the government of their country and in the conduct of public affairs. Again, human rights bodies have built on this baseline in the environmental context, clarifying the duty to facilitate public participation in environmental decision-making in order to safeguard a wide spectrum of rights from environmental harm.

57. There can be no doubt that this duty encompasses decision-making in relation to climate policy. States have long emphasized the importance of public participation in addressing climate change. Article 6 (a) of the United Nations Framework Convention on Climate Change requires its parties to promote and facilitate public participation, and the General Assembly has recognized "the need to engage a broad range of stakeholders at the global, regional, national and local levels, including national, subnational and local governments, private businesses and civil society, and including youth and persons with disabilities, and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change".[32] Similarly, article 12 of the Paris Agreement requires its parties to cooperate in taking appropriate measures to enhance public participation.

58. Many States have adopted laws that provide for public participation in developing environmental policy (see A/HRC/28/61, paras. 42-49). Some, such as Guatemala and Jordan, provide for public participation in the formulation of climate policy in particular. All States should ensure that their laws provide for effective public participation in climate and other environmental decision-making, including by marginalized and vulnerable groups, and that they fully implement their laws in this respect. Such participation not only helps to protect against abuses of other human rights; it also promotes development policies that are more sustainable and robust.

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[30] UNEP report, p. 34.

[31] Ibid., p. 16.

[32] General Assembly resolution 67/210, para. 12.

59. To be effective, public participation must include the provision of information to the public in a manner that enables interested persons to understand and discuss the situation in question, including the potential effects of a proposed project or policy, and must provide real opportunities for the views of the affected members of the public to be heard and to influence the decision-making process.[33] These principles are of special importance for members of marginalized and vulnerable groups, as other mandate holders have described in more detail (see, e.g., A/64/255, paras. 63-64; A/66/285, paras. 81-82; and A/67/299, para. 37). In some cases, as the Special Rapporteur on the right to housing has stated, it may be necessary to build the capacity of members of such groups in order to facilitate their informed participation (see A/64/255, para. 63). Again, these requirements apply not only to decisions about how much climate protection to pursue, but also to the measures through which the protection is achieved. Decisions on mitigation or adaptation projects must be made with the informed participation of the people who would be affected by the projects.

60. To enable informed public participation, the rights of freedom of expression and association must be safeguarded for all people in relation to all climate-related actions, including for individuals who oppose projects designed to mitigate or adapt to climate change. To try to repress persons trying to express their views on a climate-related policy or project, whether they are acting individually or together with others, is a violation of their human rights. States have clear obligations to refrain from interfering with those seeking to exercise their rights, and States must also protect them from threats, harassment and violence from any source (see A/HRC/25/53, para. 40).

61. At the international level, States should ensure that projects supported by climate finance mechanisms respect and protect all human rights, including the rights of information, participation and freedom of expression and association. As the recent UNEP report describes in detail, these mechanisms vary in their current levels of protection. Some, such as the Adaptation Fund, include safeguards that are generally considered to be satisfactory, while others, such as the Clean Development Mechanism, have been criticized for failing to provide for adequate stakeholder consultation and thereby resulting in human rights violations through displacement and the destruction of livelihoods.[34] The Special Rapporteur strongly agrees with the recommendation in the UNEP report that "the safeguards for the various climate funds and other mechanisms used to finance mitigation and adaptation projects should be made uniform and revised to fully account for human rights considerations".[35]

3. Providing for effective remedies

62. From the Universal Declaration of Human Rights onward, human rights agreements have reflected the principle that States should provide for an effective remedy for violations of their protected rights. Human rights bodies have applied that principle to human rights infringed by environmental harm, and there is no reason to doubt that the requirement to provide for an effective remedy applies to violations of human rights relating to climate change.

63. Every State should ensure that its legal system provides for effective remedies for all human rights violations, including those arising from climate-related actions. For example, States should provide for remedies, which might include monetary compensation and injunctive relief, for violations of the right of free expression in connection with climate-related projects. At the international level, States should work together to support the

[33] UNEP report, pp. 17-18.
[34] Ibid., pp. 36-39.
[35] Ibid., p. 41.

establishment and implementation of procedures to provide such remedies, particularly with respect to measures supported by international finance mechanisms.

64. As explained above, the Special Rapporteur recognizes the complications inherent in determining whether contributions to climate change may constitute violations of human rights obligations. At the same time, he emphasizes that finding a human rights violation is not a prerequisite for addressing the damage suffered by those most vulnerable to climate change. He applauds the decision taken at the nineteenth session of the Conference of the Parties to establish the Warsaw International Mechanism for Loss and Damage, and he notes that article 8 of the Paris Agreement provides that the parties should enhance understanding, action and support with respect to loss and damage from climate change. Article 8 identifies areas of potential cooperation and facilitation, including early warning systems, emergency preparedness, risk insurance and resilience of communities, livelihoods and ecosystems. As the parties implement article 8, the Special Rapporteur urges them to incorporate a human rights perspective in identifying the types of loss and damage to be addressed.

C. Substantive obligations

65. States have obligations to adopt legal and institutional frameworks that protect against, and respond to, environmental harm that may or does interfere with the enjoyment of human rights (see A/HRC/25/53, paras. 44-57). In principle, the content of the obligations of States to protect against environmental harm depends on the content of their duties with respect to the particular rights threatened by the harm. Nevertheless, despite the variety of rights that may be implicated, human rights bodies have reached similar conclusions.

66. They have made clear that these obligations apply to environmental harm caused by corporations and other private actors as well as by governmental entities. Specifically, in accordance with the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, States are required to "protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises", including by "taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication" (see A/HRC/17/31, annex, principle 1). In accordance with the Guiding Principles, States also have an obligation to provide for remedies for human rights abuses caused by corporations, and corporations themselves have a responsibility to respect human rights. These three pillars of the normative framework for business and human rights apply to all environmental human rights abuses, including impairments of human rights in relation to climate change.

67. In applying their duty to protect against environmental harm that interferes with the enjoyment of human rights, States have discretion to strike a balance between environmental protection and other societal goals, such as economic development and the promotion of other human rights. But the balance struck cannot be unreasonable or result in unjustified, foreseeable infringements of human rights. In examining whether the balance is reasonable, a number of factors may be considered, including whether the level of environmental protection resulted from a decision-making process that satisfies the procedural obligations described above; whether it accords with national and international standards; whether it is not retrogressive; and whether it is non-discriminatory. Finally, States must implement and comply with the standards that they have adopted. The following sections explain how these norms apply to climate change, at the national and at the international levels.

1. Obligations at the national level

68. At the national level, each State has an obligation to protect those within its jurisdiction from the harmful effects of climate change. This obligation is relatively straightforward with respect to the establishment and implementation of effective adaptation measures. States must adopt a legal and institutional framework that assists those within their jurisdiction to adapt to the unavoidable effects of climate change. While States have some discretion as to which measures to adopt, taking into account their economic situation and other national priorities, they should ensure that the measures: result from a process that provides for informed public participation; take into account national and international standards; and are neither retrogressive nor discriminatory. Finally, once the standards are adopted, States should ensure that they are implemented.

69. Consistent with the obligation to respect the rights of information and participation, article 7 of the Paris Agreement acknowledges that "adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach". It calls on each party to engage in adaptation planning processes, including formulating and implementing national adaptation plans and building the resilience of socioeconomic and ecological systems.

70. While appropriate adaptation measures will vary from situation to situation, States should take into account relevant national and international standards, including the Sendai Framework for Disaster Risk Reduction 2015-2030.[36] States may be expected to take measures more quickly with respect to threats that are imminent or life-threatening, such as typhoons and floods, than with respect to longer-term effects. UNEP identifies several measures that may be considered necessary to protect the rights to life and health from imminent threats, such as: establishing early warning systems and risk notification; improving physical infrastructure to reduce the risk of floods or other hazards; adopting emergency response plans; and providing disaster relief and humanitarian assistance in emergencies.[37]

71. With respect to mitigation, the situation is more complicated. Most countries do not emit greenhouse gases in quantities that cause, by themselves, appreciable effects on their own people or on those living in other countries. As a result, none of these States can hope to avoid the effects of climate change merely by reducing its own emissions. Although the emissions of larger countries may well have a discernible impact on the effects of climate change on their own people, no single State can, by itself, do more than delay those effects as long as the emissions of other States continue to increase. This does not mean that States have no obligations under human rights law to mitigate their own emissions,[38] but it does suggest that to understand the nature of those obligations, it is helpful to look at the duty of international cooperation.

2. Obligations at the international level

72. As section II explains, climate change threatens the enjoyment of a vast range of human rights. While some of its impacts can be ameliorated through adaptation measures,

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[36] General Assembly resolution 69/283.

[37] UNEP report, p. 22. For a discussion of measures to address slow-onset disasters, see the report of the Special Rapporteur on the rights of internally displaced persons (A/66/285, paras. 54-65).

[38] Moreover, States may have obligations to address climate change based on other sources, including domestic law. See, e.g., *Ashgar Leghari v. Federation of Pakistan* (Lahore High Court Green Bench, 2015); *Massachusetts v. Environmental Protection Agency* (U.S. Supreme Court, 2007); and *Urgenda Foundation v. Kingdom of the Netherlands* (District Court of The Hague, 2015).

such measures become less effective as temperatures rise. An increase of even 2°C would have drastic consequences for the full enjoyment of human rights.

73. States agreed in the United Nations Framework Convention on Climate Change that their goal is to achieve "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". In the Paris Agreement, States went further, stating in article 2 (1) that they aim to hold the increase in temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C, "recognizing that this would significantly reduce the risks and impacts of climate change". This target is consistent with the obligations of States, acting together in accordance with the duty of international cooperation, to protect human rights from the dangerous effects of climate change.

74. Through the United Nations Framework Convention on Climate Change and the Paris Agreement, States have created a legal and institutional framework to try to reach this goal. As noted above, human rights norms contemplate that States have some discretion to decide how best to balance their obligation to protect against environmental harm with their pursuit of other legitimate interests, but they should exercise that discretion reasonably in the light of all relevant factors, including those identified above.

75. Applying those factors to the international climate regime indicates that States have struck a reasonable balance in many respects. They have conducted an international decision-making process based on detailed, publicly disseminated scientific assessments. The agreement that emerged from this process in 2015 takes into account international standards, including human rights standards, and is non-retrogressive. It also appears to be non-discriminatory, and it includes some provisions designed to address the concerns of the most vulnerable countries and communities.

76. In some critical respects, however, the Paris Agreement falls short. The Agreement addresses mitigation principally through requiring each party to prepare its own nationally determined contribution. The problem is not that the Agreement allows each State to decide for itself what contribution it commits to make; the problem is that the proposed contributions do not go far enough. Commendably, almost every State in the world has presented an intended nationally determined contribution, but even if fully implemented, they will not put the world on a path that avoids disastrous consequences for human rights. UNEP has determined that full implementation of the intended contributions would lead to emission levels in 2030 that will likely cause a global average temperature increase of well over 2°C, and quite possibly over 3°C.[39] Therefore, even if they meet their current commitments, States will not satisfy their human rights obligations.

77. From a human rights perspective, then, it is necessary not only to implement the current intended contributions, but also to strengthen those contributions to meet the target set out in article 2 of the Paris Agreement. States are aware of the gap between their current commitments and their collective goal, and they agreed in Paris to review the adequacy of their commitments through stocktaking exercises every five years, beginning in 2018. However, it is already clear that States must begin to move beyond their current commitments even before the first stocktaking, in order to close the gap between what is promised and what is necessary.

78. This challenge should not be underestimated. Keeping the increase in global temperature to well below 2°C requires States to move rapidly and steadily towards a world economy that no longer obtains energy from fossil fuels. Still, some countries are showing

[39] UNEP, *The Emissions Gap Report* (2015), p. XVIII. Available from: http://uneplive.unep.org/media/docs/theme/13/EGR_2015_301115_lores.pdf.

that decarbonization is possible in practice as well as in theory. Uruguay, for example, already produces nearly 95 per cent of its electricity from renewable energy. Iceland produces almost all of its electricity, and more than 80 per cent of its total energy, from geothermal and hydropower sources.

79. Other elements of the international climate regime are also integral to the implementation of the duty of international cooperation. To mention two of these elements in particular: (a) article 7 (7) of the Paris Agreement calls on the parties to strengthen their cooperation on enhancing action on adaptation, including with regard to sharing information, improving the effectiveness of adaptation actions and assisting developing countries; and (b) developed countries reiterated in Paris their commitment to assist developing countries with respect to both mitigation and adaptation. Specifically, the Conference of the Parties adopted a decision stating that developed countries intend to continue their existing collective mobilization goal, which is $100 billion per year as of 2020, and that, before 2025, the parties to the Paris Agreement will set a new goal from a floor of $100 billion, taking into account the needs and priorities of developing countries (see FCCC/CP/2015/L.9/Rev.1, para. 54).

80. The human rights norms relating to protection of the environment indicate that once States have adopted measures to protect human rights from environmental harm, they must implement those measures. The commitments made in relation to the Paris Agreement are elements of the collective decision of States on how to address climate change. All of them — the commitments for assistance as much as the commitments for mitigation and adaptation — should be implemented fully, as well as strengthened as necessary, to protect against the effects of climate change on human rights.

D. Obligations in relation to vulnerable groups

81. States have an overarching obligation not to discriminate in the application of their environmental laws and policies. In addition, States have heightened duties with respect to members of certain groups that may be particularly vulnerable to environmental harm, including women, children and indigenous peoples (see A/HRC/25/53, paras. 69-78). As the Human Rights Council has stated, the effects of climate change are felt most acutely by those who are already in vulnerable situations. Usually, the most vulnerable have also done the least to contribute to the problem. In this regard, climate change is inherently discriminatory.

82. States acting individually and in cooperation should take steps to protect the most vulnerable from climate change.[40] Procedurally, States should continue to assess the effects of climate change, and of actions taken to mitigate and to adapt to it, on vulnerable communities. They should ensure that those who are in vulnerable situations and who are marginalized are fully informed of the effects of climate actions, that they are able to take part in decision-making processes, that their concerns are taken into account and that they have access to remedies for violations of their rights. Substantively, States should seek to protect the most vulnerable in developing and implementing all climate-related actions.[41] Even if mitigation targets are met, vulnerable communities may still suffer harm as a result of climate change. Indeed, many are already experiencing adverse effects.

[40] The Special Rapporteur on the human rights of migrants has examined the importance of not discriminating against climate change-induced migrants, in particular (see A/67/299, paras. 74-76).

[41] See, e.g., the Committee on the Rights of the Child's general comment No. 15 (2013), para. 50 (because climate change "is one of the biggest threats to children's health", States should "put children's health concerns at the centre of their climate change adaptation and mitigation strategies").

83. States have obligations at the national level to take adaptation actions to protect their vulnerable populations from the effects of climate change, and at the international level to cooperate in order to facilitate the protection of vulnerable communities wherever they are located. The rights of the most vulnerable must be respected and protected in all actions, including actions taken to mitigate or adapt to climate change. Renewable energy projects and efforts to protect forests, while they may be highly desirable as methods of reducing or offsetting greenhouse gas emissions, are not exempt from human rights norms. When such projects are proposed for the territory of indigenous peoples, for example, the projects must accord with the obligations owed to those peoples, including, where applicable, the duties to facilitate their participation in the decision-making process and not to proceed without their free, prior and informed consent (see A/HRC/25/53, para. 78).

84. The Paris Agreement recognizes the importance of respecting the rights of the most vulnerable. Its preamble specifically refers to the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, as well as gender equality, in calling on the parties to respect, promote and consider their respective obligations on human rights when taking action to address climate change. Article 7 of the Agreement emphasizes that, in addition to being country-driven, participatory and fully transparent, adaptation action should be gender-responsive and take into consideration vulnerable groups, communities and ecosystems. To ensure that States satisfy their human rights obligations, they must implement the commitments they have made in relation to the protection of the most vulnerable.

V. Conclusions and recommendations

85. **Bringing human rights to bear on climate change has three principal benefits. First, advocacy grounded in human rights can spur stronger action. From the Male' Declaration to the Paris Agreement, Governments and civil society organizations have successfully argued that strong climate action is necessary to safeguard human rights. These efforts have borne fruit, but they must continue and intensify.**

86. **Second, human rights norms clarify how States should respond to climate change. As the Paris Agreement recognizes, whenever States take action to address climate change, they should respect, protect and consider their respective obligations on human rights. Complying with human rights obligations not only helps to protect the rights of everyone affected by climate change. As the Human Rights Council has affirmed, it also promotes policy coherence, legitimacy and sustainable outcomes.**

87. **States have procedural obligations to assess and provide information about the effects of climate change, to ensure that climate decisions are made with the informed participation of the public and to provide for effective remedies for climate-related violations of human rights. They must protect the rights of freedom of expression and association in relation to all climate actions, even when the rights are being exercised in opposition to projects supported by the authorities.**

88. **Based on the duty of international cooperation, States should fully implement all of the commitments they have made in relation to the Paris Agreement and strengthen their commitments in the future, in order to ensure that global temperatures do not rise to levels that would impair a vast range of human rights. Each State must also adopt a legal and institutional framework that assists those within its jurisdiction to adapt to the unavoidable effects of climate change. In all of these actions, States must take care to protect the rights of the most vulnerable.**

89. **Third, human rights bodies can inform and improve climate policy by providing forums for issues concerning climate change and human rights that might**

otherwise be overlooked. The Special Rapporteur encourages the Human Rights Council and other international and national human rights institutions to continue to bring a human rights perspective to the global challenge of climate change.